

Ulster Canal and Tyrone Navigation Bill.

ARRANGEMENT OF CLAUSES.

Clauses.

1. Short titles.
 2. Power to transfer Ulster Canal and Tyrone Navigation to Lagan Navigation Company.
 3. Power to Company to provide vessels, levy tolls, and make bye-laws.
 4. Extension of borrowing powers of Company.
 5. Prohibition of undue preference.
 6. Power to Company to dispose of Ulster Canal and Tyrone Navigation.
 7. Continuance of Lagan Navigation Acts.
 8. Amendment of 6 & 7 Vict. c. civ. s. 68., and 36 & 37 Vict. c. lxxv. s. 4., as to reserve fund.
 9. Committee of management of Company to be called directors.
 10. Provision as to Ulster Canal and Tyrone Navigation in case of expiration of Lagan Navigation Acts.
 11. Definitions.
-

A
B I L L

TO

Provide for the transfer of the Ulster Canal and the Tyrone Navigation or Coal Island Navigation from the Commissioners of Public Works in Ireland to the Lagan Navigation Company, and for other purposes. A.D. 1857.

WHEREAS under and subject to the provisions of the Act of the session of the twenty-eighth and twenty-ninth years of the reign of her present Majesty, chapter one hundred and nine, intituled "An Act for transferring the Ulster Canal to the Commissioners of Public Works in Ireland," the canal and navigation known as the "Ulster Canal," in the counties of Tyrone, Armagh, Monaghan, and Fermanagh, and all the undertaking, property, and works thereof, and all powers, privileges, and authorities formerly vested in the Ulster Canal Company (which said property, undertaking, works, powers, privileges, and authorities are in this Act included in the expression "the Ulster Canal") are vested in the Commissioners of Public Works in Ireland (in this Act referred to as "the Commissioners"):

And whereas the canal and navigation known as the "Tyrone Navigation," or the "Coal Island Canal," in the county of Tyrone, and all the undertaking, property, and works thereof, and all the powers and authorities formerly vested in the Directors of Inland Navigation in relation thereto (which said property, undertaking, works, powers, and authorities are in this Act included in the expression "the Tyrone Navigation") are vested in the Commissioners:

And whereas the Commissioners are desirous of disposing of the Ulster Canal and the Tyrone Navigation (in this Act referred to as "the said canals"), and the Lagan Navigation Company (in this Act referred to as "the Company") are desirous of acquiring the same, but the transfer of the said canals to the Company cannot be carried into effect without the authority of Parliament:

[Bill 313.]

A

- A.D. 1887. And whereas it is expedient to enable the said transfer to be effected and to make such provisions in relation to the said transfer as are hereinafter contained :
- 6 & 7 Vict. c. clv. And whereas the Company was by the Lagan Navigation Act, 1843, incorporated for the purposes of that Act and with the powers, privileges, duties, and liabilities therein mentioned, and the said Act was declared to be in force for the term of thirty-one years from the passing thereof, and was subsequently amended by the
- 36 & 37 Vict. c. lxxv. Lagan Navigation Act, 1873, and as so amended was continued for a further term of thirty-one years from the passing of the said last-mentioned Act :
- And whereas it is expedient to make such provision as herein-after contained for the further continuance of the said Lagan Navigation Acts in the event of the said transfer being carried into effect, and for other matters relating to the Company :
- Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :
- Short titles. 1. This Act may be cited as the Ulster Canal and Tyrone Navigation Act, 1887 ; and the Lagan Navigation Act, 1843, and the Lagan Navigation Act, 1873, and this Act may be together cited as the Lagan Navigation Acts, 1843 to 1887.
- Power to transfer Ulster Canal and Tyrone Navigation to Lagan Navigation Company. 2.—(1.) The Commissioners, acting with the consent of the Treasury, and the Company may agree for the transfer of the said canals to the Company upon such terms and in such manner as may be agreed on, subject to the conditions following ; that is to say :
- (a.) The Company shall undertake to execute, under the supervision of some person appointed by the Commissioners, such works of repair, and within such time, not exceeding three years from the passing of this Act, upon the said canals, or one of them, as may be specified in the agreement :
- (b.) The Company shall give such undertaking to keep the said canals open for navigation and in a fit state of repair, unless authorised by the Treasury to close the same, as may be specified in the agreement ; and provision may be made for the forfeiture of the said canals by the Company, and the reverter thereof to the Commissioners, on default being made by the Company in such undertaking :
- (c.) In case it may be considered desirable at any time by the trustees (or drainage board) of the Lower Bann Navigation, or any future trustees (or drainage board) of the Lower Bann or

of Lough Neagh, to confine the height of Lough Neagh to the present summer level, the Company shall not be entitled to any compensation for any real or supposed injury, provided the water in Lough Neagh be not lowered (save in so far as may be necessary for working the navigation of the Lower Bann River by the existing locks and sluices) below the summer level.

A.D. 1867.

(2.) The Commissioners and the Company respectively may execute all instruments and do all acts and things necessary for the purpose of carrying into effect the said agreement, and, on the date fixed for the transfer by the agreement, the said canals and all powers and duties of the Commissioners in relation thereto shall be transferred to and vest in the Company, subject to the terms of the agreement and the provisions of this Act.

3. Upon the transfer of the said canals to the Company taking effect the Company shall have the following powers; that is to say,

Power to
Company to
provide
vessels, levy
tolls, and
make bye-
laws.

(1.) The Company may carry passengers, animals, and goods on the said canals, and may haul vessels, whether or not belonging to or used by the Company, upon the said canals, and may provide, by purchase, hiring, or otherwise, vessels, persons, animals, and apparatus and other means for the purpose of such carriage and hauling;

(2.) The Company may take remuneration for such carriage and hauling, so that the rates in respect of the carriage be approved in writing by the Commissioners, and so that the rate for any purpose mentioned in the Lagan Navigation Act, 1873, do not exceed the rate authorised for the like purpose by that Act;

(3.) The Company, for the purpose of recovering any such remuneration, shall have the same powers as they have for recovering any tolls or rates upon or in relation to either of the said canals or the Lagan Navigation;

(4.) The Company shall have the same power of making, altering, amending, and repealing byelaws with respect to vessels provided or used by them as they have with respect to any other vessels using the said canals or either of them.

4.—(1.) Upon the transfer of the said canals to the Company taking effect, the Company shall have power from time to time to borrow on bond or on mortgage of the said canals and the profits thereof, or by the creation and issue of debenture stock, a sum or sums not exceeding in the whole *ten thousand pounds* for the following purposes or any of them; that is to say,

Extension
of borrow-
ing powers
of Company.

(a.) For the purpose of providing by building, purchase, or hiring vessels, animals, and apparatus for the purpose of the said carriage and hauling upon the said canals;

[313.]

A 2

A.D. 1887.

(b.) For the purpose of subscribing to any company or association for carrying goods upon the said canals; and

(c.) For the purpose of subscribing to any company or association making or managing any tramway connected with the said canals or any part or parts thereof.

8 & 9 Vict.
c. 16.

(2.) For the purposes of this section the provisions of the Companies Clauses Consolidation Act, 1845, with respect to the borrowing of money by the Company on mortgage or bond, and Part

25 & 27 Vict.
c. 118.
32 & 33 Vict.
c. 48.

Three of the Companies Clauses Act, 1863, as amended by the Companies Clauses Act, 1869, shall be incorporated with this Act; and where a loan is raised in pursuance of this section on mortgage the mortgagees may enforce the payment of any arrears of principal and interest due on such mortgage by the appointment of a receiver; and for the purpose of the said incorporation this Act shall be deemed to be "the special Act."

Prohibition
of undue
preference.

5. The Company shall not show any undue preference to any person in relation to the use of the said canals or any portion thereof, or in the exercise of any power vested in the Company under or in pursuance of this Act, but every person shall be entitled to the use of the said canals and of any vessel provided by the Company in pursuance of this Act on the same terms on which any other person would be so entitled under similar circumstances.

Power to
Company to
dispose of
Ulster Canal
and Tyrone
Navigation.

6.—(1.) Subject to any undertaking given by the Company to keep open the said canals or either of them, the Company may at any time after the expiration of nine years from the date of the transfer to them of the said canals give notice in the manner required by this section of their intention to close the said canals or either of them, and to sell, lease, or otherwise dispose of any land and property held on account thereof; and

(a.) if within twelve months after such notice has been given a new company is constituted, with the approval of the Board of Trade, for the purpose of taking over and working the said canals, or that one of them to which such notice relates, the Company shall transfer the same to such new company on any terms and conditions which the Board of Trade, with the sanction of the Treasury, may by order direct; and from the date specified in such order, and subject to the terms thereof, the said canals, or such one of them as aforesaid, and all then existing powers, rights, duties, and liabilities of the Company in relation thereto, shall be transferred to and vest in and attach to the said new company; and

(b.) if within the said twelve months such new company is not constituted as aforesaid, the Company may, in accordance with

the said notice, close the said canals, or such one of them as aforesaid, and sell, lease, or otherwise dispose of any land and property held on account thereof, for such consideration and on such terms as the Company think fit.

A.D. 1887.

- 5 (2.) Notice shall be deemed to have been given by the Company in the manner required by this section, after the Company have caused such notice to be served in writing on the Commissioners, and have within two months after such service as aforesaid caused the said notice to be published five times in each of two newspapers
10 circulating in each of the following counties, that is to say, Tyrone, Armagh, Monaghan, Fermanagh, Antrim, and Cavan.

- (3.) Any approval or order of the Board of Trade for the purpose of this section may be given or made in writing under the hand of the president or one of the secretaries or assistant secretaries of
15 the Board.

7. In the event of the transfer of the said canals to the Company taking effect, and the works of repair upon the said canals or either of them heretofore in this Act mentioned being certified in writing by the Commissioners to have been carried into effect in
20 accordance with the provisions of this Act and the terms of the said transfer, so much of section two of the Lagan Navigation Act, 1873, as relates to the continuance of that Act and of the Lagan Navigation Act, 1843, shall be repealed, and the said Acts shall continue in force for the term of *nine hundred and ninety-nine*
25 *years* from the date of the said transfer taking effect in like manner as if the term hereby limited for the continuance of the said Acts were substituted in the Lagan Navigation Act, 1843, for the term therein in that behalf mentioned :

Continuance
of Lagan
Navigation
Acts.

Provided that if the Company at any time—

- 30 (a.) sell, lease, or otherwise dispose of the Lagan Navigation or any part of the undertaking, property, or works thereof, without the consent of the Treasury, and also of the Board of Trade, signified under the hand of the president or one of the secretaries or assistant secretaries of the Board, or
35 (b.) close the said canals or either of them otherwise than in accordance with the provisions of this Act,
in either of such cases the provisions of this section for the continuance of the said Acts shall from that time cease to have effect, and the said Acts shall (subject to the provisions therein
40 continued) thenceforth continue in force for the unexpired residue (if any) of the period specified for their continuance in the said section two of the Lagan Navigation Act, 1873, and no longer.

A.D. 1887.

Amendment
of 6 & 7 Viet.
c. civ. s. 63.
and 36 & 37
Viet. c. lxx.
s. 4, as to
reserve fund.

8. Section sixty-eight of the Lagan Navigation Act, 1843, as amended by section four of the Lagan Navigation Act, 1873, shall from and after the *passing of this Act* have effect subject to the following provisions, that is to say:—

(1.) Any money required in pursuance of the said sections to be laid out in making new works for the improvement of the Lagan Navigation, or to be set apart as a fund for the future improvement thereof, and any fund so set apart, may from time to time be laid out by the Company in making upon the said navigation works of reconstruction not included in the works of repair, which under the Lagan Navigation Act, 1843, the Company are required to execute; any such works of reconstruction shall be executed under the inspection and to the satisfaction of the Commissioners, and the Commissioners shall have the like powers in relation thereto as in the case of such new works as aforesaid.

(2.) The Company shall not be required to lay out or set apart for the purposes aforesaid in any year more than *two hundred pounds*, nor to set apart more than may be sufficient to raise the said fund to the sum of *one thousand pounds*, and from time to time to maintain it thereat.

Committee
of manage-
ment of
Company to
be called
directors.

9. From and after the *passing of this Act* the committee of management of the Company shall be called the board of directors of the Company; and the Lagan Navigation Act, 1843, and the Lagan Navigation Act, 1873, shall be read as if in the sections of the said Acts relating to the committee of management the board of directors were referred to in lieu of the said committee, and the said Acts shall have effect accordingly.

Provision as to
Ulster Canal
and Tyrone
Navigation in
case of exple-
sion of Lagan
Navigation
Act.

10. Upon the Lagan Navigation Act, 1843, and the Lagan Navigation Act, 1873, ceasing to be in force, the said canals, so far as not disposed of by the Company in accordance with this Act, and all estate and interest of the Company in the said canals, shall vest in the Commissioners.

Definitions.

11. In this Act—

"Treasury" means the Commissioners of Her Majesty's Treasury;

"Vessels" includes ships, lighters, barges, boats, and other craft by whatever means propelled or drawn;

"Goods" includes goods, wares, merchandise, articles, and things of every description.

Ulster Canal and Tyrone Navigation.

d

B I L L

To provide for the transfer of the Ulster Canal and the Tyrone Navigation or Coal Island Navigation from the Commissioners of Public Works in Ireland to the Lagan Navigation Company, and for other purposes.

(Prepared and brought in by
*Mr. Jackson, Colonel King-Harmon, and
Mr. Herbert Maxwell.*)

*Ordered, by The House of Commons, to be Printed,
7 July 1837.*

PRINTED BY KYLE AND PROCTOR,OLD,
PRINTERS TO THE QUEEN'S MOST EXCELLENT MAJESTY.
And to be purchased, either directly of the following Booksellers, from
THOMAS A. BENTLEY, 10, Pall Mall East, London, W.; or
and of Messrs. Alden, Widdowson, & W., at
ADAMS and CHRISTIAN, 14, North Street, Liverpool; or
STODOLSKA, THOMAS & CO., 36, Grafton Street, Dublin.

[*Order 2 cc. Price 14s.*]

[Bbl 318.]